

on many fronts, ranging from secret, indefinite detention without charges and denial of counsel to ever-expanding efforts to spy on persons for whom no reasonable suspicion of criminal activity has been established. The Attorney General tells us, in essence, that Americans must choose between the liberties that have made our country great and a superficial sense of security. He is wrong.

In the post 9-11 world, millions of Americans are deeply concerned about this current struggle between civil liberty claims and Government claims of national security. The Government's intense efforts to weaken the FISA law, that was birthed by the *Keith* case, have been a centerpiece of that debate. But the FISA Court aftermath of Judge Keith's 1970 opinion in the *Keith* case is not the only way in which he has left his indelible mark on the current controversy.

One of the starkest examples of this Attorney General's disdain for the Bill of Rights came in the recent *Haddad* case. In a strongly worded, landmark opinion, Judge Keith, speaking for the United States Sixth Circuit Court of Appeals, flatly rejected the Attorney General's claim that it could hold deportation proceedings against Rabih Haddad in secret, beyond the scrutiny of press and public. Once against Judge Keith's deeply-rooted concern for the rule of law was offended. He offered a stern rebuke:

Today, the Executive Branch seeks to take this safeguard away from the public by placing its actions beyond public scrutiny * * * The Executive Branch seeks to uproot people's lives outside the public eye and behind a closed door.

Then, with characteristically concise eloquence, Judge Keith reminded the Department of Justice, in words headlined around the world, that "Democracies die behind closed doors."

When he is not crafting judicial thunderbolts from the bench, Judge Keith and his physician wife Rachel Boone Keith, delight in their three daughters, Gildea, Debbie and Cecile, and in their two granddaughters, Nia and Camara. All those who know Damon Keith delight in him.

Mr. Speaker, like so many others whose lives he has touched, I am proud to call Damon Keith a mentor, a friend, and an inspiration. He is indeed a national treasure.

THE 49TH ANNIVERSARY OF THE BROWN VS. BOARD OF EDUCATION CASE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in celebration of the 49th Anniversary of the historic Brown vs. Board of Education of Topeka, Kansas case, which struck down the doctrine of separate but equal in *Plessy v. Ferguson*, and desegregated public schools across this great Nation.

In early 1950, racial segregation in public schools was the norm throughout the United States. Although all the schools in a given district were supposed to be equal, most black schools were inferior to their white counterparts.

The situation was no different in Topeka, Kansas. In the early 1950s in Topeka, a

young black fifth-grade student named Linda Brown had to walk over a mile to get to her segregated elementary school. Her daily journey took her through a railroad switchyard to get to her all-black. A white elementary school was only seven blocks away from Linda's home. Oliver Brown, Linda's father, attempted to enroll her in the all-white elementary school, but the principal of the school refused.

Oliver Brown then turned to McKinley Burnett, the head of the Topeka branch of the National Association for the Advancement of Colored People (NAACP), and asked for help. The NAACP was eager to assist Oliver and Linda Brown because they had long wanted to challenge segregation in public schools. With Brown's complaint, it had "the right plaintiff at the right time." Soon, other black parents joined Oliver and Linda Brown, and in 1951 the NAACP filed an injunction that would forbid the segregation of Topeka's public schools.

The U.S. District Court for the District of Kansas heard Brown's case from June 25-26, 1951. At the trial, the NAACP argued that segregated schools sent the message to black children that they were inferior to whites. Therefore, the schools were inherently unequal.

The Board of Education's defense was that, because segregation in Topeka and elsewhere pervaded many other aspects of life, segregated schools simply prepared black children for the segregation they would face during adulthood. The board also argued that segregated schools were not necessarily harmful to black children; great African Americans such as Frederick Douglass, Booker T. Washington, and George Washington Carver had overcome more than just segregated schools to achieve what they achieved. Because of the precedent of *Plessy v. Ferguson*, the court felt "compelled" to rule in favor of the Board of Education. Brown and the NAACP, led by the great Thurgood Marshall, appealed to the Supreme Court on October 1, 1951. After several arguments over several years, on May 17, 1954, Chief Justice Earl Warren read the decision of the unanimous Court:

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. . . . We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

The Supreme Court struck down the "separate but equal" doctrine of *Plessy* for public education, ruled in favor of the plaintiffs, and required the desegregation of schools across America.

Mr. Speaker, as we celebrate the anniversary of Brown vs. Board of Education, we must not lose sight that civil rights are still under attack today. On April 1, 2003, I attended the oral argument in the United States Supreme Court on the University of Michigan affirmative action cases. I listened with disgust

as the Administration argued that the university sets aside seats for minority applicants and that there is a two-track system for reviewing applications. The Administration also characterized the admissions program as one that uses a quota system based upon race. Mr. Speaker, this simply is not true of affirmative action programs.

The Administration's position on affirmative action illustrates that the civil rights of African-Americans, Hispanic-Americans, and all Americans who believe in peace and equality are under attack.

On March 30, 2003 in Houston, Texas, Members of the Congressional Black Caucus held a town hall meeting titled the "Call to Action: Summit to Stop the Attack on Affirmative Action."

As we discussed the status of affirmative action in America we reached several conclusions. We concluded that the civil rights and the fundamental human rights of all Americans are in peril. Our right to vote is under attack. Our very survival has been jeopardized by an exclusionary and discriminatory health care system. Our economic opportunity has been diminished by flawed federal policies that enrich the few, while millions of other Americans face financial ruin. Our children's future has been endangered by educational policies that starve our public schools and subject millions of American children, of every background, to the most damaging segregation of all: "the segregation of poverty."

Mr. Speaker, we have come a long way since Brown vs. Board of Education, and I am proud to stand today and celebrate our advancements. I also stand today to encourage every American to recognize that we still have a long way to go.

A RESOLUTION HONORING JESSICA CAUTHON, LEGRAND SMITH SCHOLARSHIP WINNER OF JACKSON, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2003

Mr. SMITH of Michigan. Mr. Speaker, let it be known that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Jessica Cauthon, winner of the 2003 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Jessica is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Jessica is an exceptional student at Jackson High School, and possesses an outstanding record of achievement in high school. Jessica has received numerous awards for her excellence in academics and athletics, as well as her volunteer activities with the Aware Shelter.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Jessica Cauthon for her selection as winner of a LeGrand Smith Scholarship. This honor is a testament to the parents,